

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
DIETER MAUER ET.AL.)
Serial No. 09/187,358) Art Unit: 3652
Filed: November 6, 1998) Examiner: T. Brahan
For: CONVEYOR FOR ELONGATE) Docket No. GER-5196
COMPONENTS DESIGNED WITH A)
HEAD AND A SHANK)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

WE, DIETER MAUER, REINHOLD OPPER AND JOACHIM MÖSER, hereby declare and verify that all statements made herein of our own knowledge are true and all statements made herein on information and belief are believed to be true. We are aware that wilful false statements and the like are punishable by fine or imprisonment, or both, (18 U.S.C. 1001), and may jeopardize the validity of the above-identified application or any patent issuing thereon.

1. PERSONAL DATA

a. I, Dieter Mauer, reside at Ostendstrasse 10, D-35457 Lollar, Germany. From April 13, 1964 to the present, I have been employed by Tucker GmbH, whose main office is located at Max-Eyth Strasse 1, D-35394 Giessen, Germany "(hereinafter referred to as "Tucker"). During my employment with Tucker, I had a variety of responsibilities, including engineering development manager, relating to the development of rivet and fastener products, and tools and equipment for transporting and assembling rivets and fasteners.

b. I, Reinhold Opper, reside at Daubringer Strasse 20, D-35418 Buseck, Germany. From August 1, 1974, to the present, I have been employed by Tucker. During my employment with Tucker, I had a variety of responsibilities as a development engineer, relating to the development of rivet and fastener products, and tools and equipment for transporting and assembling rivets and fasteners.

c. I, Joachim Möser, reside at Hersfelder Strasse 18, D-36304 Alsfeld, Germany. From May 1, 1995, to the present, I have been employed by Tucker. During my employment with Tucker, I had a variety of responsibilities as a development engineer, relating to the development of rivet and fastener products, and tools and equipment for transporting and assembling rivets and fasteners.

2. We are joint inventors of the invention disclosed and claimed in the above-identified U.S. application for patent, which was filed in the United States Patent and Trademark Office on November 6, 1998 (hereinafter referred to as "the application").

3. During a period prior to September 12, 1997, and during our employment with Tucker, we had joint responsibility for, and worked on a project together, for developing a conveyor for an elongate component designed with a head and a shank.

4. Prior to September 12, 1997, and in the course of our joint development responsibility, we did conceive, build, and reduce to practice a prototype conveyor for feeding elongate components designed with a head and shank (hereinafter referred to as "the prototype conveyor"). The prototype conveyor, which included a catch element biased by a spring, formed the subject matter described and claimed in the above-identified U.S. application for patent, wherein the catch element of the prototype conveyor is identified on page 11 of the application, and in claim 1 thereof, as "catch element (18)," and is shown in Fig. 4 of the application as element 18. The above-noted spring of the prototype conveyor is identified on page 11 of the application, as "spring 39," and in claim 1, as "biasing element (39)," and is shown in Fig. 4 of the application as element 39. The prototype conveyor with the catch element is referred to hereinafter as "the conveyor."

5. Prior to September 12, 1997, in the course of my employment with Tucker, I, Reinhold Opper, did arrange to meet with a prospective customer of Tucker (hereinafter referred to as "the customer") on a date prior to September 12, 1997, to present, discuss and deliver the conveyor to the customer. Prior to my meeting with the customer, I did prepare a hand-written agenda dated prior to September 12, 1997, written in the German language, regarding the items to be presented to and discussed with the customer, with an outdented passage "Muster zeigen" on the hand-written agenda referring to the conveyor, and an indented passage "Sperrklinke" thereunder referring to the catch element. The English language translation of "Muster zeigen" is "Showing sample," and the English translation of "Sperrklinke" is "catch element." A copy of the hand-written agenda is attached hereto and identified as "EXHIBIT A" with the date and non-related text of the

hand-written agenda being redacted.

Prior to September 12, 1997, I did meet with, and presented, discussed and delivered the conveyor to, the customer.

Prior to September 12, 1997, I completed and dated a company travel expense form, which is a standard preprinted form for use by employees of Tucker, wherein I listed the particular travel-related expenses incurred by me with respect to my meeting with the customer, prior to September 12, 1997, to present, discuss and deliver the conveyor. A copy of the completed travel expense form is attached hereto and identified as "EXHIBIT B" with the date and non-related text being redacted.

This completes our Declaration.


DIETER MAUER


REINHOLD OPPERMANN


JOACHIM MÖSER

29.04.2003
Date

7. April 2003
Date

29.04.03
Date

5196dec.131

EXHIBIT A

Emhart
AUTOMOTIVE

Thema

Datum

Seite

Muster zeigen

Von - Spezifikation

EXHIBIT B

LILLIAC TUCKER

ABRECHNUNG